

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 89-283, Oct. 21, 1965, 79 Stat. 1016, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables.

The Tariff Act of 1930, as amended, referred to in text, is act June 17, 1930, ch. 497, 46 Stat. 590, as amended. Subtitle B of title VII of the Tariff Act of 1930 is classified generally to part II of subtitle IV (§1673 et seq.) of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

## AMENDMENTS

1979—Pub. L. 96-39 substituted “subtitle B of title VII of the Tariff Act of 1930” for “the Anti-Dumping Act, 1921,”.

## EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-39 effective Jan. 1, 1980, see section 107 of Pub. L. 96-39, set out as an Effective Date note under section 1671 of this title.

## CHAPTER 9—VISUAL AND AUDITORY MATERIALS OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL CHARACTER

Sec.

- 2051. Implementation of the Agreement; executive designation and duty of Federal agencies.
- 2052. Assistance from other Federal agencies; facilities and personnel.

### § 2051. Implementation of the Agreement; executive designation and duty of Federal agencies

The President of the United States is authorized to designate a Federal agency or agencies which shall be responsible for carrying out the provisions of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character and a related protocol of signature, opened for signature at Lake Success on July 15, 1949 (hereinafter in this chapter referred to as the “Agreement”). It shall be the duty of the Federal agency or agencies so designated to take appropriate measures for the carrying out of the provisions of the Agreement including the issuance of regulations. In carrying out this section, such Federal agency or agencies may not consider visual or auditory material to fail to qualify as being of international educational character—

(1) because it advocates a particular position or viewpoint, whether or not it presents or acknowledges opposing viewpoints;

(2) because it might lend itself to misinterpretation, or to misrepresentation of the United States or other countries, or their people or institutions;

(3) because it is not representative, authentic, or accurate or does not represent the current state of factual knowledge of a subject or aspect of a subject unless the material contains widespread and gross misstatements of fact;

(4) because it does not augment international understanding and goodwill, unless its primary purpose or effect is not to instruct or inform through the development of a subject or an aspect of a subject and its content

is not such as to maintain, increase, or diffuse knowledge; or

(5) because in the opinion of the agency the material is propaganda.

Such Federal agency or agencies may not label as propaganda any material that receives a certificate of international educational character under this section and the Agreement.

(Pub. L. 89-634, §1, Oct. 8, 1966, 80 Stat. 879; Pub. L. 102-138, title II, §207, Oct. 28, 1991, 105 Stat. 693.)

## AMENDMENTS

1991—Pub. L. 102-138 inserted provisions at end limiting the authority of a Federal agency or agencies to fail to qualify visual or auditory material as being of international educational character and providing that any material that receives a certificate of international educational character not be labeled as propaganda.

#### EX. ORD. NO. 11311. IMPLEMENTATION OF BEIRUT AGREEMENT RELATING TO AUDIO-VISUAL MATERIALS

Ex. Ord. No. 11311, Oct. 14, 1966, 31 F.R. 13413, provided:

By virtue of the authority vested in me as President of the United States, including the provisions of the Joint Resolution of October 8, 1966, Public Law 89-634 [this chapter and amendment to section 1202 of this title], and section 301 of Title 3 of the United States Code, I hereby order and proclaim that—

1. Pursuant to section 3(b) of the Joint Resolution, the amendments to the Tariff Schedules of the United States made by section 3(a) of the Joint Resolution shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on and after January 1, 1967.

2. Pursuant to the “Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character”, made at Beirut in 1948, the Joint Resolution, and headnote 1 to schedule 8, part 6 of the Tariff Schedules of the United States, the United States Information Agency is hereby designated as the agency to carry out the provisions of the Agreement and related protocol, and to make any determinations and to prescribe any regulations required by headnote 1.

LYNDON B. JOHNSON.

### § 2052. Assistance from other Federal agencies; facilities and personnel

Agencies of the Federal Government are authorized to furnish facilities and personnel for the purpose of assisting the agency or agencies designated by the President in carrying out the provisions of the Agreement.

(Pub. L. 89-634, §2, Oct. 8, 1966, 80 Stat. 879.)

## CHAPTER 10—CUSTOMS SERVICE

Sec.

- 2071. Establishment of Service; Commissioner; appointment.
- 2072. Officers and employees.
  - (a) Appointment by Secretary of the Treasury.
  - (b) Absence or disability of Commissioner.
  - (c) Duties of personnel.
- 2073. Transfer of personnel, etc., to Service.
- 2074. Establishment of revolving fund.
- 2075. Appropriations authorization.
  - (a) In general.
  - (b) Authorization of appropriations.
  - (c) Mandatory 10-day deferment.

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- (d) Overtime pay limitations; waiver.
- (e) Pay comparability authorization.
- (f) Use of savings resulting from administrative consolidations.
- (g) Allocation of resources; notice to Congressional committees.
- 2076. Advances in foreign countries.
- 2077. Advances for enforcement of customs provisions.
- 2078. Certification of reason for advance.
- 2079. Payments in foreign countries; claims for reimbursement.
- 2080. Advances from available appropriations; rules and regulations.
- 2081. Undercover investigative operations of Customs Service.
  - (a) Certification required for exemption of undercover operations from certain laws.
  - (b) Liquidation of corporations and business entities.
  - (c) Deposit of proceeds.
  - (d) Audits.
  - (e) Definitions.
- 2082. Customs Service administration.
  - (a) In general.
  - (b) Survey reports.
- 2083. Annual national trade and customs law violation estimates and enforcement strategy.
  - (a) Violation estimates.
  - (b) Applicable statutory provisions.
  - (c) Enforcement strategy.
  - (d) Compliance program.
  - (e) Confidentiality.

#### § 2071. Establishment of Service; Commissioner; appointment

There shall be in the Department of the Treasury a service to be known as the United States Customs Service, and a Commissioner of Customs. The Commissioner of Customs, who shall be appointed by the President by and with the advice and consent of the Senate, shall—

- (1) be at the head of the United States Customs Service;
- (2) carry out the duties and powers prescribed by the Secretary of the Treasury; and
- (3) report to the Secretary of the Treasury through such other officials as may be designated by the Secretary.

(Mar. 3, 1927, ch. 348, §1, 44 Stat. 1381; May 27, 1930, ch. 342, §8, 46 Stat. 430; Ex. Ord. No. 6639, §1a, Mar. 10, 1934; Dec. 7, 1989, Pub. L. 101-207, §3(b)(1), 103 Stat. 1833.)

#### CODIFICATION

Provisions that fixed the compensation of the Commissioner have been omitted as the position is under the Executive Schedule, see section 5316 of Title 5, Government Organization and Employees.

Provisions that authorized appointment of the Commissioner “without regard to the civil service laws” were omitted as the appointment is subject to the civil service laws unless specifically excepted by such laws or by laws enacted subsequent to Executive Order No. 8743, Apr. 23, 1941, issued by the President pursuant to the act of Nov. 26, 1940, ch. 919, title I, §1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5. The position is currently excepted from the civil service rules and regulations by Schedule C, see Part 213 of Title 5 of the Code of Federal Regulations.

Section was formerly classified to section 281 of Title 5 prior to the general revision and codification of Title 5 by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

References to the Bureau of Prohibition and to the Commissioner of Prohibition were omitted in view of the change of name of the Bureau of Prohibition to the Bureau of Industrial Alcohol by act May 27, 1930, and the abolition of the Bureau of Industrial Alcohol by Ex. Ord. No. 6639.

#### AMENDMENTS

1989—Pub. L. 101-207 amended second sentence generally. Prior to amendment, second sentence read as follows: “The Commissioner of Customs shall be at the head of the United States Customs Service, and the Commissioner of Customs shall be appointed by the Secretary of the Treasury.”

#### CHANGE OF NAME

“United States Customs Service” substituted in text for “Bureau of Customs” pursuant to Treasury Department Order 165-23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037. See, also, section 308 of Title 31, Money and Finance.

#### EFFECTIVE DATE

Section 7 of act Mar. 3, 1927, provided that: “This Act shall take effect April 1, 1927.”

#### TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

Functions vested by law in Attorney General, Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States, were to have been transferred to Secretary of the Treasury by 1973 Reorg. Plan No. 2, §2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5. The transfer was negated by section 1(a)(1), (b) of Pub. L. 93-253, Mar. 16, 1974, 88 Stat. 50, which repealed section 2 of 1973 Reorg. Plan No. 2, eff. July 1, 1973.

#### EXTENSION OF PRE-CLEARANCE PROGRAM IN ARUBA

Pub. L. 102-393, title VI, §637, Oct. 6, 1992, 106 Stat. 1779, provided that: “Notwithstanding any other provision of law, the United States Customs Service pilot pre-clearance program authorized to be established in Aruba shall be extended through 1994.”

#### REPORTS REGARDING EXPANSION OF CUSTOMS PRE-CLEARANCE OPERATIONS AND RECOVERY FOR DAMAGE RESULTING FROM CUSTOMS EXAMINATIONS

Pub. L. 101-382, title I, §124, Aug. 20, 1990, 104 Stat. 643, provided that:

“(a) CUSTOMS PRECLEARANCE.—The Secretary of the Treasury, in consultation with the Secretary of State, shall assess the advisability of expanding the use of preclearance operations by the United States Customs Service at foreign airports. The Secretary of the Treasury shall submit a report on the assessment to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the ‘Committees’) no later than February 1, 1991.

“(b) RECOVERY FOR CUSTOMS DAMAGE.—

“(1) The Secretary of the Treasury, in consultation with the Attorney General, shall determine and evaluate various means by which persons whose merchandise is damaged during customs examinations may seek compensation from, or take other recourse